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## THE NEGOTIATIONS AT GHENT IN 1814

THE government of the United States had been honestly loath to declare war in 1812, and had signalized its reluctance by immediate advances looking to a restoration of peace. These were made through Jonathan Russell, the *chargé d'affaires* in London when hostilities began. To use the expression of Monroe, then Secretary of State, "At the moment of the declaration of war, the President, regretting the necessity which produced it, looked to its termination, and provided for it."<sup>1</sup> The two concessions required as indispensable, in the overture thus referred to, dated June 26, 1812, were the revocation of the Orders in Council, and the abandonment of the practice of impressing from American merchant ships. Should these preliminary conditions be obtained, Russell was authorized to stipulate an armistice, during which the two countries should enter upon negotiations, to be conducted either at Washington or in London, for the settlement of all points of difference.

Russell made this communication to Castlereagh August 24, 1812. Before this date Admiral Warren had sailed from England for the American command, carrying with him the propositions of the British government for a suspension of hostilities, consequent upon the repeal of the Orders in Council. In view of Warren's mission, and of the fact that Russell had no powers to negotiate, but merely to conclude an arrangement upon terms which he could not alter, and which his government had laid down in ignorance of the revocation of the Orders, Castlereagh declined to discuss with him the American requirements. "I cannot, however," he wrote, "refrain on one single point from expressing my surprise, namely, that as a condition preliminary even to a suspension of hostilities, the Government of the United States should have thought fit to demand that the British Government should desist from its ancient and accustomed practice of impressing British seamen from the merchant ships of a foreign state, simply on the assurance that a law shall hereafter be passed to prohibit the employment of British seamen in the public or commercial service of that state."<sup>2</sup> "The Government

<sup>1</sup> Monroe to Russell, August 21, 1812. *American State Papers, Foreign Relations*, III. 587.

<sup>2</sup> *Ibid.*, 590.

could not consent to suspend the exercise of a right upon which the naval strength of the empire mainly depends," until fully convinced that the object would be assured by other means. To a subsequent modification of the American propositions, in form, though not in tenor, the British minister replied in the same spirit, throwing the weight of his objections upon the question of impressment, which indeed remained alone of the two causes of rupture.<sup>1</sup>

Commendable as was its desire for peace, the American government had made the mistake of being unwilling to insure it by due and timely preparation for war. In these advances, therefore, its adversary naturally saw not magnanimity, but apprehension. Russell, in reporting his final interview, wrote, "Lord Castlereagh once observed somewhat loftily, that if the American Government was so anxious *to get rid of the war*,<sup>2</sup> it would have an opportunity of doing so on learning the revocation of the Orders in Council." The American representative rejoined with proper spirit; but the remark betrayed the impression produced by this speedy offer, joined to the notorious military unreadiness of the United States. Such things do not make for peace. The British ministry, like a large part of the American people, saw in the declaration of war a mere variation upon the intermittent policy of commercial restrictions of the past five years; an attempt to frighten by bluster. In such spirit Monroe, in this very letter of June 26 to Russell, had dwelt upon the many advantages to be derived from peace with the United States, adding, "not to mention the injuries which cannot fail to result from a prosecution of the war." In transcribing his instructions, Russell discreetly omitted the latter phase; but the omission, like the words themselves, betrays consciousness that the administration was faithful to the tradition of its party, dealing in threats rather than in deeds. Through great part of the final negotiations the impression thus made remained with the British ministers.

On September 20, 1812, the chancellor of the Russian Empire requested a visit from the American minister resident at St. Petersburg, Mr. John Quincy Adams. In the consequent interview, the next evening, the chancellor said that the Czar, having recently made peace and re-established commercial intercourse with Great Britain, was much concerned that war should have arisen almost immediately between her and the United States. Hostilities between the two nations, which together nearly monopolized the carrying trade of the world, would prevent the economical benefits to Russia expected

<sup>1</sup> Correspondence between Russell and Castlereagh, September 12-18, 1812; and Russell to Monroe, September 17. *Ibid.*, 591-595.

<sup>2</sup> Russell's italics.

from the recent change in her political relations. The question was then asked, whether a proffer of Russian mediation would be regarded favorably by the United States. Adams had not yet received official intelligence even of the declaration of war, and was without information as to the views of his government on the point suggested; but he expressed certainty that such an advance would be cordially met, and he could foresee no obstacle to its entertainment. The proposal was accordingly made to the President, through the customary channels, and on March 11, 1813, was formally accepted by him. James A. Bayard and Albert Gallatin were nominated commissioners, conjointly with Mr. Adams, to act for the United States in forming a treaty of peace under the mediation of the Czar. They sailed soon afterwards.

The American acceptance reached St. Petersburg about June 15; but on that day Adams was informed by the chancellor that his despatches from London signified the rejection of the Russian proposition by the British government, on the ground that the differences with the United States involved principles of the internal government of Great Britain, which could not be submitted to the discussion of any mediation.<sup>1</sup> As the Russian court was then in campaign at the headquarters of the allied armies, in the tremendous operations of the summer of 1813 against Napoleon, much delay necessarily ensued. On September 1, however, the British ambassador, who was accompanying the court in the field, presented a formal letter reaffirming the unwillingness of his government to treat under mediation, but offering through the Czar, whose mediatorial advance was so far recognized, to nominate plenipotentiaries to meet those of the United States in direct consultation. In the backward and forward going of despatches in that preoccupied and unsettled moment, it was not till near November 1 that the British Foreign Office heard from the ambassador that the American commissioners were willing so to treat, and desirous to keep their business separate from that of the Continent of Europe; but that their powers were limited to action through the mediation of Russia. Castlereagh then, on November 4, addressed a note to the United States government, offering a direct negotiation. This was accepted formally January 5, 1814;<sup>2</sup> and Henry Clay with Jonathan Russell were added to the commission already constituted, raising the number of members to five. The representatives of Great Britain were three: Admiral Lord Gambier, Henry Goulburn, and William Adams.

<sup>1</sup> The correspondence relating to the Russian proffer of mediation is to be found in *American State Papers, Foreign Relations*, III. 623-627.

<sup>2</sup> *Ibid.*, 621-622.

The instructions issued to the American commissioners were voluminous. They contained not only the requirements of the government, but arguments from every point of view, and alternatives of several descriptions, to meet anticipated objections. Such elaboration was perhaps necessary when negotiation was to take place so remote from communication with home. On one point, however, as originally issued in contemplation of Russian mediation, demand was peremptory. Impressment must cease, by stipulation. At that moment, April 15, 1813,<sup>1</sup> the flush of expectation was still strong. "Should improper impressions have been taken of the probable consequences of the war, you will have ample means to remove them. It is certain that from its prosecution Great Britain can promise to herself no advantage, while she exposes herself to great expenses and to the danger of still greater losses." Nine months later, looking to direct negotiation, the same confident tone is maintained. "On impressment, the sentiments of the President have undergone no change. This degrading practice must cease. . . . No concession is contemplated on any point in controversy;"<sup>2</sup> and three weeks afterwards, February 14, 1814, "Should peace be made in Europe, it is presumed that the British Government would have less objection to forbear impressment for a specified term, than it would have should the war continue. In concluding a peace, even in case of a previous general peace in Europe, it is important to obtain such a stipulation."<sup>3</sup> On June 27, this tone was lowered. "If found indispensably necessary to terminate the war, you may omit any stipulation on the subject of impressment." This was in pursuance of a Cabinet determination of June 27.<sup>4</sup> It abandoned the only ground for war that had existed since August, 1812, when the Orders in Council were known to have been repealed. The commissioners were indeed to do their best to obtain from the British government the demanded concessions, not in the matter of impressment only, but on the whole subject of irregular blockades,

<sup>1</sup> *Ibid.*, 695-700.

<sup>2</sup> *Ibid.*, 701.

<sup>3</sup> *Ibid.*, 703.

<sup>4</sup> "June 27, 1814. In consequence of letters from Bayard and Gallatin of May 6-7, and other accounts from Europe of the ascendancy and views of Great Britain, and the dispositions of the great Continental Powers, the question was put to the Cabinet: 'Shall a treaty of peace, silent on the subject of impressment, be authorized?' Agreed to by Monroe, Campbell, Armstrong, and Jones. Rush absent. Our minister to be instructed, besides trying other conditions, to make a previous trial to insert or annex some declaration, or protest, against any inference, from the silence of the Treaty on the subject of impressment, that the British claim was admitted or that of the United States abandoned." *Letters and Papers of Madison*, III. 408.

which underlay the Orders in Council, as well as on other maritime questions in dispute; but in pressing such demands they were under orders to fall back before resistance. From the opening of the colloquy they were on the defensive.

Quite different was the position assumed at first by the British government and people. The events of the critical year 1813, both in Europe and America, had changed the entire outlook. Alexander Baring, whose general attitude towards the United States was friendly, wrote to Gallatin, October 12, 1813, "We wish for peace, but the pressure of the war upon our commerce and manufactures is over. They have ample relief in other quarters; indeed, the dependence of the two countries on each other was overrated." He was positive that there would be no concession on impressment. Again, on December 14, "The pressure of the war is diminished. Commerce is now abundantly prosperous."<sup>1</sup> Gallatin himself had occasion to spend some time in London during the succeeding spring, —1814. In a letter of April 21,—after Napoleon's abdication,—he said, "The prosecution of war with the United States would afford a convenient pretext for preserving a more considerable standing force."<sup>2</sup> This would be a useful element in the troublesome diplomacy to be foreseen, in settling the disturbed affairs of Europe; and the government stood in need of reasons for maintaining the pressure of taxation, which was already eliciting, and later in the year still more elicited, symptoms of great discontent and dangerous parliamentary opposition. Yet in its conduct towards America the Cabinet had the people behind it. Two months later, Gallatin wrote to the Secretary of State, "You may rest assured of the general hostile spirit of this nation, and of its wish to inflict serious injury on the United States; that no assistance can be expected from Europe; and that no better terms will be obtained than the *status ante bellum*."<sup>3</sup>

At the time of this writing, June 13, the British Foreign Secretary, Lord Castlereagh, returned from Paris, where he had been spending the two months succeeding the first abdication of Napoleon. During this period formal peace with France had been established, and the Bourbons reseatd on her throne. His instructions to the British commissioners at Ghent, issued July 28, were framed on lines which showed consciousness of mastery.<sup>4</sup> The question of

<sup>1</sup> *Writings of Albert Gallatin*, edited by Henry Adams, I. 586, 592.

<sup>2</sup> *Ibid.*, 603.

<sup>3</sup> *Ibid.*, 629.

<sup>4</sup> A similar consciousness appears to the writer discernible in a letter of Wellington to Castlereagh, of May 25, 1814. To procure "the cession of Olivenza by Spain to Portugal, we could promise to bind North America, by a secret article

abandoning the practice of impressment would not be so much as entertained. The Rule of 1756 should "rest on its own clear and well established authority."<sup>1</sup> The commissioners were not even to discuss it. Equally decisive was the position taken with regard to questions of irregular blockades, and of compensation for seizures under the Orders in Council. When these were presented by the American commissioners, the first was waived aside, as one on which there was no difference of abstract principle; while as to the second, "you cannot be too peremptory in discouraging, at the outset, the smallest expectation of any restitution of captures made under the Orders in Council."<sup>2</sup>

Military and naval weakness, combined with the changed conditions in Europe, made the United States powerless when thus confronted with refusal. The British Secretary stood on far less sure ground, as to success, when he began to formulate his own demands. These were essentially two: suitable arrangements for the Indians, and a rectification of the frontiers. There was a third question, concerning the fisheries on the Great Banks of Newfoundland. As to these, the general right of all nations to frequent the Banks, being open sea, was explicitly admitted; but the subjects of a foreign state had no right to fish within the maritime jurisdiction of Great Britain, much less to land with their catch on coasts belonging to her. The provisions of the treaty of 1783 therefore would not be renewed, unless for an equivalent.

As regarded the Indians, an adequate arrangement of their interests was a *sine qua non* of peace; nor would a full and express recognition of present limits by itself alone fulfill this demand. There must be security for its future observance. The particular method by which this observance should be maintained was not made indispensable; but it was plainly stated in the instructions that the best means was "a mutual guarantee of the Indian possessions, as they shall be established upon the peace, against encroachment on the part of either State." The suggestion, in its logical consequence and in its intent, went to establishing the communities of Indians as a sovereign state, with boundaries guaranteed by Great Britain and the United States,—a most entangling alliance. In support of this, Castlereagh alleged that such a barrier of separation possessed a distinct advantage over a line of contact between the two guaranteeing states, such as now existed in their common boundary. The

in our treaty of peace, to give no encouragement, or *countenance*, or assistance, to the Spanish colonies" (then in revolt). *Memoirs and Correspondence of Lord Castlereagh*, third series, II. 44. The italics are mine.

<sup>1</sup> Castlereagh to the British Commissioners, July 28, 1814. *Ibid.*, 69.

<sup>2</sup> *Ibid.*, August 14, 1814, pp. 88, 89.

collisions incident to intercourse between red and white men were easily transferred from side to side of such a conventional line, causing continual disputes. The advantages of a buffer state, to use the modern term, would be secured by the proposed arrangement. Writing to the prime minister, the Earl of Liverpool, he said, "The question is one of expediency; and not of principle, as the American commissioners have endeavored to make it. It does not follow, because, in the year 1783, the two States, not perhaps very justly, took a common boundary, thereby assuming a sort of sovereignty over the Indians, that they may not mutually recede from that boundary, if a frontier conterminous with that of the Indians is preferable to one with each other."<sup>1</sup>

However plausible reasoning based upon such premises might seem to the party advancing it, it could not qualify the fact that it required from the United States a large cession of territory, to be surrendered to the Indians under British guarantee. Such a demand was a dangerous diplomatic weapon to put within reach of a commission, of which Adams and Gallatin were members. In presenting it, also, the British representatives went beyond the letter of their instructions, issued by Castlereagh on July 28, and enlarged August 14. Not only was the inclusion of the Indians in the peace to be a *sine qua non*, but they wrote, "*It is equally necessary*" that a definite boundary be assigned, and the integrity of their possessions mutually guaranteed.<sup>2</sup> This paper was submitted to Castlereagh as he passed through Ghent to Paris, on his way to the Vienna Conference. "Had I been to prepare the note given in on our part, I should have been less peremptory;" but, like many superiors, he hesitated to fetter the men in immediate charge, and "acquiesced in the expression, '*It is equally necessary, etc.,*' which is very strong."<sup>3</sup> The prime minister, Lord Liverpool, was still more deprecatory. He wrote Castlereagh, "Our Commissioners had certainly taken a very erroneous view of our policy. If the negotiations had been allowed to break off upon the two notes already presented, . . . I am satisfied the war would have become popular in America."<sup>4</sup>

The American commissioners could see this also, and were quick to use the advantage given by the wording of the paper before

<sup>1</sup> Castlereagh to Liverpool, Paris, August 28, 1814. *Castlereagh Memoirs*, p. 101.

<sup>2</sup> Note of the British Commissioners, August 19, 1814. *American State Papers, Foreign Relations*, III. 710. My italics.

<sup>3</sup> Castlereagh to Liverpool, August 28, 1814. *Castlereagh Memoirs*, third series, II. 100.

<sup>4</sup> Liverpool to Castlereagh, September 2, 1814. Castlereagh MSS.



them, to improve the status of the United States in the negotiation; for one of the great weaknesses, on which Great Britain reckoned, was the disunion of American sentiment on the subject of the war. Of their reply, dated August 24, Castlereagh wrote, "It is extremely material to answer the American note, as it is evidently intended to rouse the people upon the question of their independence."<sup>1</sup> Besides the Indian proposition, the British note of August 19 had conveyed also the explicit views of the British ministry as to rectification of frontier. Stated briefly, the chain of the Great Lakes was asserted to be a military barrier essential to the security of Canada, as the weaker community in North America. To assure it, no territorial cession was required; but the lakes should be in the sole military tenure of Great Britain. The United States might use them freely for commercial purposes, but should maintain on them no ship of war, nor build any fortification on their shores, or within a certain distance, to be fixed by agreement. In addition to this, on the side of the lower St. Lawrence, there was to be such a cession of the northern part of Maine as would establish a direct communication between Quebec and Halifax. The American reply of August 24<sup>2</sup> discussed these questions, patiently but instructively. The matters involved were made plain for the American reader, and the paper closed with the clear intimation that before such terms were accepted there must be a great deal more fighting. "It is not necessary to refer such demands to the American Government for instructions. They will only be a fit subject of deliberation when it becomes necessary to decide upon the expediency of an absolute surrender of national independence." So far as the British proposals went, the question was military, not diplomatic; for soldiers and seamen to decide, not for negotiators.

So it stood, and so in the solution it proved. The American commissioners held firm to this ground; while on the part of the British there was thenceforth a continual effort to escape from a false position, or to temporize until some favorable change of circumstances might enable them to insist. "The substance of the question," wrote Castlereagh to the prime minister, "is, are we prepared to continue the war for territorial arrangements. If not, is this the best time to make peace, or is it desirable to take the chances of the campaign and then to be governed by circumstances?"<sup>3</sup> "If our campaign in Canada should be as successful as our military preparations would lead us to expect," . . . replied

<sup>1</sup> *Castlereagh Memoirs*, third series, II. 101.

<sup>2</sup> *American State Papers, Foreign Relations*, III. 711-713.

<sup>3</sup> Castlereagh to Liverpool, August 28. *Memoirs*, third series, II. 102.

Liverpool, "if our commander does his duty, I am persuaded we shall have acquired by our arms every point on the Canadian frontier, which we ought to insist on keeping."<sup>1</sup>

By these considerations the next British note was dictated, and presented September 4.<sup>2</sup> It simply argued the question, with dilatory design, in a somewhat minatory tone. "I think it not unlikely," Liverpool had written with reference to it, "that the American commissioners will propose to refer the subject to their Government. In that case, the negotiation may be adjourned till the answer is received, and we shall know the result of the campaign before it can be resumed." But the Americans did not refer. They too needed time for their people to learn what now was the purpose of hostilities, which the British envoys had precipitately stated as an indispensable concession, and to manifest the national temper under the changed circumstances; but they did not choose that the matter should be stated as one open to discussion. They knew well enough the harassment of maintaining a land warfare three thousand miles from Great Britain, as well as the dangers threatening the European situation and embarrassing the British ministry. They in turn discussed at length, scrutinizing historically the several arguments of their opponents; but their conclusion was foregone. The two propositions—first, of assigning "a definite boundary to the Indians living within the limit of the United States, beyond which boundary they [the United States] should stipulate not to acquire any territory; secondly, of securing the exclusive military possession of the lakes to Great Britain—are both inadmissible. We cannot subscribe to, and would deem useless to refer to our Government, any arrangement containing either of these propositions." The British government was not permitted any subterfuge to escape from the premature insistence upon cession of territory made by their envoys, which would tend to unite the people in America; nor was it to be anticipated that prolonged hostilities for such an object would be acceptable in Great Britain.

The pre-eminence given to the Indian question by Great Britain in these negotiations was due to the importance attached by British local officials to the aid of the savages in war, and to a sensitive conviction that, when thus utilized, they should not be abandoned in peace. Their military value was probably over-estimated. It consisted chiefly in numbers, in which the British were inferior, and in the terror produced by their cruelties; doubtless, also, in some de-

<sup>1</sup> Liverpool to Castlereagh, September 2. Castlereagh MSS.

<sup>2</sup> *American State Papers, Foreign Relations*, III. 713.

gree to their skill in woodcraft; but they were not dependable. Such as it was, their support went usually to the weaker party; not because the Indian naturally sided with the weaker, but because he instinctively recognized that from the stronger he had most to fear. Therefore in colonial days France, in later days Great Britain, in both cases Canada, derived more apparent profit from their employment than did their opponent, whose more numerous white men enabled him to dispense with the fickle and feebler aid of the aborigines.

Before the firm attitude of the note of September 9, the British government again procrastinated, and receded from demands which sound policy should from the first have recognized as untenable, unless reposing upon decisive military success and occupation. On September 19, their commissioners replied <sup>1</sup> that while the exclusive military possession of the lakes would be conducive to a good understanding, without endangering the security of the United States, it had not been advanced as a *sine qua non*. A final proposition on the subject of the Canadian boundaries would be made when the Indian question was settled. Concerning this, they were "authorized distinctly to declare that they are instructed not to sign a treaty of peace, unless the Indian nations are included in it, and restored to all the rights, privileges, and territories, which they enjoyed in the year 1811," by treaties then existing. "From this point the British plenipotentiaries cannot depart." They were instructed further to *offer for discussion* an article establishing Indian boundaries, within which the two countries should bind themselves not to make acquisitions by purchase during a term of years. To the absence of Lord Castlereagh, and consequent private correspondence between him and his colleagues in London, we owe the knowledge that the question of purchasing Indiân lands, and the guarantee, would no longer be insisted on; and that the military control of the lakes was now reduced in purpose to the retention of Forts Michilimackinac and Niagara.<sup>2</sup> The intention remained, however, to insist upon the Indian provisions as just stated.

On September 26, the American commission replied that, as thus presented, there was no apparent difference in the purposes of the two nations as regarded the substantial welfare of the Indians themselves. The United States meant toward them peace, and the placing them in the position in which they stood before the war. "The real difference was" in the methods proposed. Great Britain "insisted on including the Indians, as allies, in the treaty of peace between her and the United States." But the Indians concerned

<sup>1</sup> *Ibid.*, 717.

<sup>2</sup> Bathurst to Castlereagh, September 16, 1814. Castlereagh MSS.

dwelt within the acknowledged bounds of the United States, and their political relations towards her were no concern of Great Britain; nor could any arrangement be admitted which would constitute them independent communities, in whose behalf Great Britain might hereafter claim a right to interfere. The error underlying the British demand was the assumption that the Indian tribes were independent; whereas, in their relation to foreign countries, they were merely dwellers in the United States, who had made war upon her in co-operation with Great Britain. The upshot was a mutual agreement, drawn up by the British plenipotentiaries, that upon the conclusion of peace each state would put an end to hostilities in which it might be engaged with the Indians, and would restore them to the rights enjoyed before 1811. The Americans accepted this, subject to ratification, on the ground that, while it included the Indians in the peace, it did not do so as parties to the treaty, and left the manner of settlement in the hands of each government interested. The agreement thus framed formed one of the articles of the treaty.

On September 27 the gazette account of the capture of Washington was published in London. Lord Bathurst despatched the news the same day to the commissioners at Ghent, instructing them to assure the Americans that it made no difference in the British desire for peace, nor would modify unfavorably the requirements as to frontier, as yet unstated.<sup>1</sup> Liverpool wrote coincidentally to Castlereagh, suggesting that he should communicate to the sovereigns and ministers at Vienna the moderation with which the government was acting, as well as the tone assumed by the American commissioners, "so very different from what their situation appears to warrant." "I fear the Emperor of Russia is half an American, and it would be very desirable to do away any prejudices which may exist in his mind, or in that of Count Nesselrode, on this subject."<sup>2</sup> The remark is illuminating as to the reciprocal influence of the American contest and the European negotiations, and also as to the reasons for declining the proposed Russian mediation of 1813. The Continent generally, and Russia conspicuously, held opinions on neutral maritime rights similar to those of the United States. Liverpool had already<sup>3</sup> expressed his wish to be well out of the war, although expecting decided military successes, and convinced that the terms as now reduced would be very unpopular in England; "but I feel too strongly the inconvenience of a continuance not to make me desirous of concluding it at the expense of some popularity."

<sup>1</sup> *Castlereagh Memoirs*, third series, II. 138.

<sup>2</sup> Liverpool to Castlereagh, September 27. Castlereagh MSS.

<sup>3</sup> September 23. *Ibid.*

It was in this spirit, doubtless, that Bathurst instructed the envoys that, if the Americans wished to refer the very modified proposals, or to sign them conditional upon ratification at home, either proposition would be accepted; an assurance repeated on October 5.<sup>1</sup> Were neither alternative embraced as to the Indian settlement, the negotiation should be closed and the commission return to England. British military anticipation then stood high. Not only was the capture of Washington over-estimated, but Ross and Cochrane had impressed their government with brilliant expectations. "They are very sanguine about the future operations. They intend, on account of the season, to proceed in the first instance to the northward, and to occupy Rhode Island, where they propose remaining and living upon the country until about the first of November. They will then proceed southward, destroy Baltimore, if they should find it practicable without too much risk, occupy several important points on the coast of Georgia and the Carolinas, take possession of Mobile in the Floridas, and close the campaign with an attack on New Orleans."<sup>2</sup> This was a large programme for a corps of the size of Ross's, after all allowance made for the ease with which Washington had fallen. It is probably to be read in connection with the project of sending to America very large re-enforcements; so numerous, indeed, that Lord Hill, Wellington's second in the Peninsula, had been designated for the command. This purpose had been communicated to Ross and Cochrane; and at the time of the capture of Washington they had not received the letters notifying them that "circumstances had induced his Majesty's Government to defer their intention of employing so considerable a force in that quarter."<sup>3</sup> For this change of mind America doubtless was indebted to European considerations. Besides the expectations mentioned, the British government had well-founded reasons to hope for control of Lake Ontario, and for substantial results from the handsome force placed at the disposal of Sir George Prevost, to which the triumphant expedition of Cochrane and Ross had been intended only as a diversion.

Under these flattering anticipations were formulated the bases upon which to treat, now that the Indian question was out of the way. On October 18 and 20 Bathurst instructed the commissioners to propose, as a starting-point, the principle that each party should hold what it had, subject to modifications for mutual accommodation. "Considering the relative situation of the two countries, the

<sup>1</sup> *Castlereagh Memoirs*, third series, II. 148.

<sup>2</sup> Liverpool to Castlereagh, September 27, 1814. Castlereagh MSS.

<sup>3</sup> British Public Record Office. War Office, Vol. 39. This long paper, near the end of the volume, had to the writer the appearance of a brief, drawn up for the use of the ministry in parliamentary debate.

moderation evinced by his Majesty's Government in admitting this principle, (thereby surrendering claim to the future conquests), in the present state of the contest, must be manifest." When this was accepted, but not before, the mutual accommodations were to be suggested. The present captured possessions were stated to be: British, Fort Michilimackinac, Fort Niagara, and all the country east of the Penobscot; American, Fort Erie and Fort Malden. Upon the surrender of the two latter, Great Britain would restore the forts at Castine and Machias. She would retain Mackinac and Fort Niagara, the latter with a surrounding strip of five miles of territory; and in exchange (apparently) for "all the country east of the Penobscot," would accept that part of Maine which lies north of the Aroostook river, thus insuring between Quebec and Halifax a direct communication, wholly under British jurisdiction.

There were some further minor matters of detail, unnecessary to mention; the more so that they did not come formally before the American commissioners, who immediately rejected the proposed principle of *uti possidetis*, and replied, October 24, that they were not empowered to yield any territory, and could treat only on the basis of entire mutual restitution. This Liverpool testily likened to the claim of the French revolutionary government<sup>1</sup> that territory could not be ceded because contrary to the fundamental law of the Republic. In the American case, however, it was substantially an affirmation that the military conditions did not warrant surrender. Meanwhile, on October 21, the news of Macdonough's victory reached London from American sources. Although the British official accounts did not arrive until some time later, Liverpool, writing to Castlereagh on that day, admitted that there could be no doubt of the defeat of the flotilla.<sup>2</sup> Despite this check, the Cabinet still cherished hopes of further successes, and were unwilling yet to abandon entirely the last inches of the ground heretofore assumed. "Had it not been for this unfortunate adventure on Lake Champlain," wrote Bathurst to Castlereagh, "I really believe we should have signed a peace by the end of this month. This will put the enemy in spirits. The campaign will end in our doing much where we thought we should have done little, and doing nothing where we expected everything."<sup>3</sup> He announced the intention to send Pakenham in Ross's place for the New Orleans expedition, and to increase his force in the spring, should the war last till then. Meanwhile, it might be well to let the Powers assembled at Vienna

<sup>1</sup> Liverpool to Castlereagh, October 28. Castlereagh MSS.

<sup>2</sup> Liverpool to Castlereagh, October 21, 1814. *Ibid.*

<sup>3</sup> Bathurst to Castlereagh, October 21, 1814. *Ibid.*

understand that, whatever the success in Louisiana, the inhabitants would be distinctly told that in no case would the country be taken under British protection. They might be granted independence, but preferably would be urged to place themselves again under the Spanish crown; but they must know that, in treating with the United States, neither of these solutions would be made by Great Britain *a sine qua non*. The government had probably taken a distaste to that peremptory formula by the unsatisfactory result of the proposition about the Indians.

This care concerning the effect produced upon the course of events at Vienna appears forcibly in the letters of Liverpool, the prime minister. After the receipt of the American commission's refusal to accept the basis of the *uti possidetis*, he wrote to Castlereagh, October 28, that he feared it put an end to any hopes of bringing the American war to a conclusion. The expectation of some favorable change in the aspect of affairs, however, decided the ministry to gain a little more time before bringing the negotiation to a close; and the envoys at Ghent were therefore to be instructed to demand a full *projet* of all the American conditions before entering on further discussion. The same day Liverpool sent a second letter,<sup>1</sup> in which he said distinctly that, in viewing the European settlement, it was material to consider that the war with America would probably be of some duration; that enemies should not be made in other quarters by holding out too long on the questions of Poland, Naples and Saxony, for he was apprehensive that "some of our European allies will not be indisposed to favor the Americans; and, if the Emperor of Russia should be desirous of taking up their cause, we are well aware from some of Lord Walpole's late communications that there is a most powerful party in Russia to support him. Looking to a continuance of the American war, our financial state is far from satisfactory. We shall want a loan for the ensuing year of £27,000,000 or £28,000,000. The American war will not cost us less than £10,000,000, in addition to our peace establishment and other expenses. We must expect, therefore, to have it said that the property tax is continued for the purpose of securing a better frontier for Canada." Castlereagh himself had already spoken of the financial conditions as "perfectly without precedent in our financial history."<sup>2</sup>

The renewal of the European war, avowedly dreaded by Liver-

<sup>1</sup> *Ibid.*

<sup>2</sup> Castlereagh to Sir H. Wellesley, September 9, 1814. *Memoirs*, third series, II. 112.

pool,<sup>1</sup> was thought not impossible by Castlereagh and Wellington, while conditions in France already threatened an explosion, such as Bonaparte occasioned in the succeeding March. "It is impossible," wrote Wellington, "to conceive the distress in which individuals of all descriptions are. The only remedy is the revival of Bonaparte's system of war and plunder; and it is evident that cannot be adopted during the reign of the Bourbons."<sup>2</sup> Neither he nor Castlereagh doubted the imminence of the danger. "It sounds incredible," wrote the latter, "that Talleyrand should treat the notion of any agitation at Paris as wholly unfounded."<sup>3</sup> A plot was believed to exist, which embraced as one of its features the seizing of the Duke, and holding him as a hostage. He himself thought it possible, and saw no means in the French government's hands adequate to resist. "You already know my opinion of the danger at Paris. . . . The event may occur any night, and if it should occur, I don't think I should be allowed to depart. My safety depends upon the King's;"<sup>4</sup> but he was characteristically unwilling to take any step which bore the appearance of precipitate withdrawal.

While the American negotiators were drawing up the *projet* which they had decided to present in response to the British demand, the combination of circumstances just stated led the British ministry to resolve on removing Wellington from Paris on some pretext, lest his services should be lost to them in the emergency now momentarily dreaded. The urgency for peace with America co-operated to determine the ostensible reason, which was almost a true one. The American command was offered to him. "The Duke of Wellington would restore confidence to the army, place the military operations on a proper footing, and give us the best chance of peace. I know he is very anxious for the restoration of peace with America, if it can be made upon terms at all honorable. It is a material consideration, likewise, that if we shall be disposed for the sake of peace to give up something of our just pretensions, we can do this more creditably through him than through any other person."<sup>5</sup> Liverpool voiced the conclusions of the Cabinet, and it would be difficult for words to manifest more forcibly anxiety to escape from a situation. Wellington himself drew attention to this. "Does it not occur to your lordship that, by appointing me to go to America at this moment, you give ground for belief, all over Europe, that

<sup>1</sup> Liverpool to Castlereagh, November 2, 1814. Castlereagh MSS.

<sup>2</sup> Wellington to Liverpool, November 9, 1814. *Castlereagh Memoirs*, third series, II. 187.

<sup>3</sup> Castlereagh to Wellington, November 21, 1814. *Ibid.*, 205.

<sup>4</sup> Wellington to Liverpool, November 7 and 9, 1814. *Ibid.*, pp. 186, 190.

<sup>5</sup> Liverpool to Castlereagh, November 4, 1814. Castlereagh MSS.



your affairs there are in a much worse situation than they really are? and will not my nomination at this moment be a triumph to the Americans, and their friends here and elsewhere?"<sup>1</sup> Conditions were alarming, but the action resembled panic.

The offer, which was really a request, brought Wellington by a side wind into the American negotiations, and enabled him to give the government the weight of his name and authority in concluding a peace otherwise than on their "just pretensions." The war, he said, has been honorable to Great Britain; meaning doubtless that, considering the huge physical mass and the proximity of the United States, it was well done to have escaped injury, as it was militarily disgraceful to the American government, with such superiority, to have been so impotent. But, he continued, neither I nor any one else can achieve success, in the way of conquests, unless you have naval superiority on the lakes. That was what was needed; "not a general, nor general officers and troops. Till that superiority is acquired, it is impossible, according to my notion, to maintain an army in such a situation as to keep the enemy out of the whole frontier, much less to make any conquest from the enemy, which, with those superior means, might, with reasonable hopes of success, be undertaken. . . . The question is, whether we can obtain this naval superiority on the lakes. If we cannot, I shall do you but little good in America; and I shall go there only to prove the truth of Prevost's defence, and to sign a peace which might as well be signed now." This endorsed not only Prevost's retreat, but also the importance of Macdonough's victory. The Duke then added frankly that, in the state of the war, they had no right to demand any concession of territory. He brushed contemptuously aside the claim of occupying the country east of the Penobscot, on the ground of Sherbrooke's few companies at Castine, ready to retreat at a moment's notice. "If this reasoning be true, why stipulate for the *uti possidetis*?"<sup>2</sup>

Penned November 9, the day before the American negotiators at Ghent handed in their requested *projet*, this letter may be regarded as decisive. November 13, Liverpool replied that the ministry was waiting anxiously for the American *projet*, . . . and, "without entering into particulars, I can assure you that we shall be disposed to meet your views upon the points on which the negotiation appears to turn at present;" the points being the *uti possidetis*, with the several details of possession put forward by Bathurst.

<sup>1</sup> Wellington to Liverpool, November 18, 1814. *Castlereagh Memoirs*, third series, II. 203.

<sup>2</sup> Wellington to Liverpool, November 9, 1814. *Ibid.*, 189.

Before the 18th, the American paper was in London, and Liverpool wrote to Castlereagh, "I think we have determined, if all other points can be satisfactorily settled, not to continue the war for the purpose of obtaining, or securing, any acquisition of territory. We have been led to this determination by the consideration of the unsatisfactory state of the negotiations at Vienna, and by that of the alarming situation of the interior of France. . . . Under such circumstances, it has appeared to us desirable to bring the American war, if possible, to a conclusion." The basis of the *status quo ante bellum*, sustained all along by the American commission, was thus definitely accepted and so formally stated by Bathurst, acting as Secretary for Foreign Affairs.<sup>2</sup>

This fundamental agreement having been reached, the negotiations ran rapidly to a settlement without further serious hitch; a conclusion to which contributed powerfully the increasing anxiety of the British ministry over the menacing aspect of the Continent. The American *projet*,<sup>3</sup> besides the customary formal stipulations as to procedure for bringing hostilities to a close, consisted of articles embodying the American positions on the subjects of impressment and blockade, with claims for indemnity for losses sustained by irregular captures and seizures during the late hostilities between France and Great Britain; a provision aimed at the Orders in Council. These demands, which covered the motives of the war, and may be regarded as the offensive side of the American negotiation, were by the British at once pronounced inadmissible, and were immediately abandoned. Their presentation had been merely formal; the United States government, within its own council chamber, had already recognized that it could not enforce them. The *projet* included the agreement previously framed concerning the Indians; who were thus provided for in the treaty, though excluded from any recognition as parties to it, or as independent political communities. This was the only demand made by the commissioners which Great Britain can be said fairly to have carried, and it was so far a reduction from her original requirement as to be unrecognizable. An article, pledging each of the contracting parties not again to employ Indians in war, was rejected.

The remaining articles of the *projet*, although entirely suitable to a treaty of peace, were not essentially connected with the war. The treaty merely gave a suitable occasion for presenting them.

<sup>1</sup> Liverpool to Castlereagh, November 18, 1814. Castlereagh MSS.

<sup>2</sup> Bathurst to the Commissioners, December 6, 1814. *Castlereagh Memoirs*, third series, II. 214.

<sup>3</sup> *American State Papers, Foreign Relations*, III. 735.

They provided for fixing, by mixed commissions, the boundary lines between the British possessions and the United States. These the Treaty of 1783 had stated in terms which had as yet received no proper topographical determination. From the mouth of the St. Croix river, and the islands within it and in the adjacent sea, around, north and west, as far as the head of Lake Superior, the precise course of the bounding line needed definition by surveyors. These propositions were agreed to; but when it came to similar provision for settling the boundary of the new territories acquired by the Louisiana purchase, as far as the Rocky Mountains, difficulties arose. In the result it was agreed that the determination of the boundary should be carried as far as the most northwestern point of the Lake of the Woods, "in conformity with the true intent of the said Treaty of Peace of one thousand seven hundred and eighty-three." The treaty was silent on the subject of boundary westward of the Lake of the Woods, and this article of the *projet* was dropped. It differed indeed from its associates, in providing the settlement for a new question, and not the definition of an old settlement. In conclusion, the British commissioners obtained the adoption of an agreement that both parties "would use their best endeavors to promote the entire abolition of the slave trade." In Great Britain the agitation for this measure had reached proportions which were not the least among the embarrassments of the ministry; and at this critical juncture the practical politicians conducting affairs found themselves constrained by a popular demand to press the subject upon the less sympathetic statesmen of the Cabinet.

The American commissioners had made a good fight, and shown complete appreciation of the factors working continuously in their behalf. To the end, and even more evidently at the end, was apparent the increasing anxiety of the British government, the reasonable cause for it in European conditions, and the immense difficulty under such circumstances of accomplishing any substantial military successes in America. The Duke of Wellington wrote that "all the American armies of which I ever read would not beat out of a field of battle the troops that went from Bordeaux last summer;"<sup>1</sup> but still, "his opinion is that no military advantage can be expected if the war goes on, and he would have great reluctance in undertaking the command unless we made a serious effort first to obtain peace, without insisting upon keeping any part of our conquests."<sup>2</sup> On December 23, Liverpool sent a long and anxious

<sup>1</sup> *Castlereagh Memoirs*, third series, II. 188.

<sup>2</sup> Liverpool to Castlereagh, November 18, 1814. Castlereagh MSS.

letter to Castlereagh, in reply to his late letters and despatches. The fear of a renewal of war on the Continent is prominent in his consideration, and it was recognized that the size of the European armaments, combined with the pecuniary burden of maintaining them, tended of itself to precipitate an outbreak. Should that occur, France could scarcely fail to be drawn in; and France, if involved, might direct her efforts towards the Low Countries, "the only object on the Continent which would be regarded as a distinct British interest of sufficient magnitude to reconcile the country to war," with its renewed burden of taxation. "We are decidedly and unanimously of opinion that all your efforts should be directed to the continuance of peace. There is no mode in which the arrangements in Poland, Germany, and Italy, can be settled, consistently with the stipulations of the Treaty of Paris, which is not to be preferred, under present circumstances, to a renewal of hostilities between the Continental Powers." Coincidentally with this, in another letter of the same day, he mentions the meetings which have taken place on account of the property tax, and the spirit which had arisen on the subject. "This, as well as other considerations, make us most anxious to get rid of the American war."<sup>1</sup>

The Treaty of Ghent was signed December 24, 1814, by the eight commissioners. The last article provided for its ratification, without alteration, at Washington, within four months from the signature. A *chargé d'affaires* to the United States was appointed, and directed to proceed at once in a British ship of war to America with the Prince Regent's ratification, to be exchanged against that of the President; but he was especially instructed that the exchange should not be made unless the President's was without alteration, addition, or exclusion, in any form whatsoever. Hostilities were not to cease until such ratification had taken place. The British government were apparently determined that concessions wrung from them, by considerations foreign to the immediate struggle, should not be subjected to further modification in the Senate.

Mr. Baker, the British *chargé*, sailed in the British sloop of war *Favorite*, accompanied by Mr. Carroll bearing the despatches of the American commissioners. The *Favorite* arrived in New York on Saturday, February 11. The treaty was ratified by the President, as it stood, by and with the advice and consent of the Senate, on the 17th of February, 1815.

A year after the conclusion of peace, a weighty opinion as to the effect of the War of 1812 upon the national history was expressed by one of the commissioners, Mr. Albert Gallatin. For fifteen years

<sup>1</sup> Liverpool to Castlereagh, December 23, 1814. *Ibid.*

past, no man had been in closer touch with the springs of national life, national policy, and national action; as representative in Congress, and as intimate adviser of two consecutive Presidents, in his position as Secretary of the Treasury. His experience, the perspicuity of his intellect, and his lucidity of thought and expression, give particular value to his conclusions, the more so that to some extent they are the condemnation, regretfully uttered, of a scheme of political conduct with the main ideas of which he had been closely identified. He wrote:<sup>1</sup> "The war has been productive of evil and of good, but I think the good preponderates. Independent of the loss of lives, and of the property of individuals, the war has laid the foundations of permanent taxes and military establishments, which the Republicans had deemed unfavorable to the happiness and free institutions of the country. But under our former system we were becoming too selfish, too much attached exclusively to the acquisition of wealth, above all, too much confined in our political feelings to local and state objects. The war has renewed and reinstated the national feelings and character which the Revolution had given, and which were daily lessening. The people have now more general objects of attachment, with which their pride and political opinions are connected. They are more Americans; they feel and act more as a nation; and I hope that the permanency of the Union is thereby better secured."

A. T. MAHAN.

<sup>1</sup> May 7, 1816; *Writings of Gallatin*, I. 700.